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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,501	03/13/2001	Carl R. Strathmeyer	024/1	1952

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EXAMINER

NGUYEN, VAN KIM T

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,501

Applicant(s)

STRATHMEYER ET AL.

Examiner

Van Kim T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to communications filed on September 25, 2003.

In view of the filed terminal disclaimer, the rejection of claims 1, 4, 7, 10, 13, 16, and 19-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of US PN 6,201,805, in view of USPN 6,490,275 (Sengodan) are withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witchalls (US 6,407,996), in view of Sengodan (US 6,490,275).

Regarding claims 1, 4, 7, 10, 13, 16, 19-22, and 26, as shown in Figures 8-15, Witchalls discloses a method comprising transmitting from an application computer (300, 313, 314) connected to a data network (309, 400) to a gatekeeper (315) connected to the data network, over the data network, packetized messages indicative of telephone calls in progress (status message/off-hook condition, col. 9: lines 43-53; communications connections are in existence, col.7: lines 55-57) at an endpoint (302-308, 316, 317, 410, 420, and 499) of the data network (cols. 7-16, esp. col. 12: lines 15-20, and col. 13: lines 9-14), the application computer being located separately from the endpoint.

Regarding claims 2, 5, 8, 14, 17, and 23, Witchalls also discloses the information includes the originating IP address of the call (601, 604, 607, 611; col. 13: lines 15-28).

Regarding claim 3, 6, 9, 15, 18, and 24, Witchalls also discloses the information includes the words exchanged by parties in the call (col. 10: lines 5-11).

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However, Witchalls does not call for transmitting from the gatekeeper to the application computer over the data network, packetized messages with information associated with the telephone calls, the information indicative of the length of the telephone calls.

As shown in Figs. 1-11, Sengodan teaches transmitting from the gatekeeper to the application over a data network, packetized messages with information associated with the telephone calls (ARQ/ACF/ARJ or BCF/BRJ message; col. 7: lines 19-26; col. 8: line 3 – col. 11: line 17), the information indicative of the length of the telephone calls (bandwidth requirement/allocated bandwidth).

Regarding claim 25, Sengodan also teaches the call controller is configured to operate in accordance with at least H.323 protocol (col. 1: line 15 –col. 3: line 40).

Since it is highly desirable to reduce call setup time without adversely affecting the call setup functionality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Sengodan's method of including the length of call in setup messages, in Witchalls' packet network telephony system, motivated by the desire to improve call setup efficiency in multimedia communications systems.

Response to Arguments

Applicant's arguments filed on September 25, 2003 have been fully considered, but they are not persuasive.

Applicant argues that computers 302-308, 316, 317, 410, 420, and 499 are not "applications computers as recited in the claims" and seems to imply the applications computers as claimed have to be capable of executing telephony applications; however, none of the claims as currently presented recites that limitation. Independent claims 1, 4, 7, 10, 13, 16, and 20 recite a method *comprising transmitting from an application computer to a gatekeeper or a call*

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controller, and transmitting from the gatekeeper or call controller to the application computer, packetized messages indicative of telephone calls in progress at an endpoint, or packetized messages indicative of the endpoint.

As it is well known in the art, a computer is “an electronic device that accepts and processes information mathematically according to previous instructions. It provides the results of this processing via visual display, printed summaries or in audible form,” and application is “a software program that carries out some useful task. Data managers, spreadsheets, communications packages, graphics programs and word processors, are all applications.”

Thus, an application computer can be thought of “*an electronic device that accepts and processes software programs that carry out some useful tasks such as telecommunications managing, data manipulation, spreadsheets, communications packages, graphics programs, or word processing.*” As such, computers 302-308, 316, 317, 410, 420, and 499 are all “applications computers,” each of which may be programmed to carry out a different, useful task/function, but all are capable of transmitting to and receiving from other telecommunication device packetized messages.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Yeung et al (US 6,061,365), Control Message Transmission in Telecommunications Systems.

Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Kim T. Nguyen whose telephone number is 703-305-7692. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms can be reached on 703-305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

vkn
December 28, 2003



KENNETH VANDERPUYE
PRIMARY EXAMINER